

REMARKS

Reconsideration in view of the foregoing amendments and the following remarks, and entry of this paper, is respectfully requested. Moreover, the Applicant has reviewed the First (Non-Final) Office Action of June 22, 2005, and submits that this paper is responsive to all points raised therein.

Interview Summary

The applicant wishes to thank Examiner Raymond Addie, for the telephone interview conducted with the applicant David Gregg, representatives of the assignee of this application, Jeff Wycoff and Randy Akers, and the undersigned attorney, on July 22, 2005. In the interview, all pending claims, 1-4, 6, 7, 9-17, 19-27, 29-34 and 49-53, were discussed, as were the references, Dori (U.S. Patent No. 5,896,929) (Dori '929) and Sloan (U.S. Patent No. 1,955,101) (Sloan '101).

Arguments were presented that Dori '929 can not be modified with Sloan '101. These arguments appear in the Remarks below. Amendments to the claims were also suggested by the Examiner and proposed by the applicants, with portions of the suggested and proposed amendments appearing in the claims below. Agreement was not reached at this interview.

Status of the Claims

Claims 1-4, 6, 7, 9-17, 19-27, 29-34, and 49-53 are presently pending. Claims 1, 6, 7, 12, 16, 17, 22, 26, 27, 31-34, 49, 50, and 52 have been amended.

Claims 1, 12, 22 and 31, have been amended as discussed below. Claims 6, 7, 16, 17, 26, 27, 32-34, and 49 have been amended to change claim dependencies and/or render the claims to

be consistent with the claims on which they depend. Claims 50 and 52 have been amended with limitations to further define the claims from which they depend.

Rejections Under 35 USC 103(a)

Claims 1-4, 6, 7, 9, 10, 12-17, 19, 20, 22-27, 31-34 and 49-53 were rejected under 35 USC 103(a) as unpatentable over Dori '929 in view of Sloan '101.

Independent claims 1, 12 and 22 have been amended to recite an apparatus for stamping wet concrete. The recited apparatus each include a roller, structure for receiving the roller and structure at the ends of the receiving structure, corresponding to the ends of the roller, for holding separate sets of weights. These separate sets of weights serve to weight the roller at its ends. For example, this structure allows the roller to be adjustably weighted, to accommodate the various degrees of tightness encountered when working wet concrete.

Dori '929 is directed to a roller for imprinting in sand, where the weight of the roller is in the roller itself. This roller is not weighted for concrete and does not include any structure for additionally weighting the roller. Moreover, as the roller itself is of a sufficient weight to imprint in sand, there is no teaching or suggestion in this reference to use any additional weight for the roller.

Sloan '101 discloses a device for compacting concrete, to cause a bond between the concrete and the surface it was laid over. This device includes a centrally positioned rotating inertia weight 11, that presses a base 10 into contact with the concrete, when the weight 11 rotates toward the base 10. Plates 16 rest on a shelf 17, above the rotating weight, to keep a force on the base, when the weight 11 is in the upward position. The plates 16 are single sheets.

It is respectfully asserted that Dori '929 can not be modified with Sloan '101, as Dori '929 does not teach or suggest using any additional weight on the roller. To add additional weight to Dori '929, absent hindsight, is impermissible, as the skilled artisan, with Dori '929 and Sloan '101 in front of them would lack the motivation to make this combination.

Moreover, even if the combination of Dori '929 and Sloan '101 could be made, Sloan '101 fails to teach separate sets of weights for weighting the roller at its ends. As Dori '929 fails to teach any additional weighting of the roller, the proposed combination of Dori '929 in view of Sloan '101 remains deficient, and does not meet the limitations of the claimed invention.

Based on the above, it is respectfully asserted that Dori '929 and Sloan '101, alone or in any combination, would not render the claimed invention obvious under 35 USC 103(a). Accordingly, claims 1, 12, and 22 are non-obvious under 35 USC 103(a) in view of the cited art.

Independent claim 31 is a method claim, that is directed to a method for stamping wet concrete. This method includes providing an apparatus with a roller received in a receiver portion in a rotatable engagement, the receiver portion including oppositely disposed ends configured for receiving separate sets of weights for weighting the roller, weighting the roller by placing weight in retainers at the ends of the receiver portion, in accordance with the tightness of the concrete being worked, and, moving the apparatus to transfer the stamp on the roller into the concrete.

Dori '929 has been discussed above. That discussion is applicable here.

Sloan '101 has been discussed above. That discussion is applicable here.

Even if the combination of Dori '929 with Sloan '101 could be made, the proposed combination would fall short of the claimed invention. This is because the plates 16 of Sloan '101 are single weights, that place a force on the center of the base. As a single weight, these

plates are one set of weights, and in no way, does Sloan teach structure for holding separate sets of weights for weighting at the ends, as recited by the claimed invention. Accordingly, since the Examiner's proposed combination lacks any structure for holding separate sets of weights for weighting at the ends, the Examiner's combination of Dori '929 and Sloan '101 falls short of the claimed invention.

Based on the above, it is respectfully asserted that Dori '929 and Sloan '101, alone or in any combination, would not render the claimed invention obvious under 35 USC 103(a). Accordingly, claims 1, 12, 22 and 31 are non-obvious under 35 USC 103(a) in view of the cited art.

Since claims 1, 12, 22 and 31 are not obvious under 35 USC 103(a) over Dori '929 in view of Sloan '101, claims 2-4, 7, 9, 10 and 49, 13-17, 19, 20, 50 and 51, 23-27, 29, 52 and 53, and, 32-34, respectively dependent thereon, are also not obvious under 35 USC 103(a), in view of the cited art for the same reasons. These claims further distinguish the invention over the cited art.

Claims 11, 21 and 30 were rejected under 35 USC 103(a) as obvious over Dori '929, in view of Sloan '101, in further view of Brimo (U.S. Patent No. 4,776,723) (Brimo '723).

Claims 1, 12, and 22 are the independent claims, on which claims 11, 21 and 30 respectively depend. Claims 1, 12 and 22 have been discussed above. Those discussions are applicable here.

Dori '929, Sloan '101, and their inability to be properly combined, have been discussed above. These discussions are applicable here.

Brimo '723 is directed to patterns in flat mats and has nothing to do with rollers for imprinting concrete.

Accordingly, Brimo '723 fails to add anything to Dori '929 and Sloan '101, and accordingly, the combination of Brimo '723 with Dori '929 and Sloan '101 remains deficient for the same reasons as the combination of Dori '929 and Sloan '101, as discussed above.

Based on these reasons, it is respectfully asserted that the Brimo '723 disclosure does not provide any teachings or suggestions, that if combined with Dori '929 and Sloan '101, would arrive at the claimed invention. Accordingly, it is respectfully asserted that claims 1, 12 and 22 are non-obvious under 35 USC 103(a) in view of the cited art.

Since claims 1, 12 and 22 are non-obvious under 35 USC 103(a) in view of the cited art, claims 11, 21, and 30, dependent on claims 1, 12 and 22, respectively, are also non-obvious under 35 USC 103(a) in view of the cited art for the same reasons. These claims further distinguish the invention over the cited art.

Additional Remarks and Conclusion

The citations of Thrower (U.S. Patent No. 5,480,259), Uebel (U.S. Patent No. 4,184,787), Ashmore, et al. (U.S. Patent No. 1,302,275), Baily, et al. (U.S. Patent No. 2,025,703), and, Maurer (U.S. Patent No. 519,919), are noted to complete the record.


Should the Examiner have any questions or comments as to the form, content, or entry of this paper, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Allowance of all pending claims, 1-4, 6, 7, 9-17, 19-27, 29-34, and 49-53, is respectfully requested.

Respectfully submitted,

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